

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GREYSTONE SELECT HOLDINGS,

Plaintiff,

v.

WELLS FARGO BANK, N.A. and  
COMPUTERSHARE TRUST COMPANY,  
N.A.,

Defendants.

1:24-CV-00657-LTS

ORDER

The Court directs both parties to submit supplemental briefing concerning the interpretation of the definition of “Base Rate” as that term is defined in Schedule A, Paragraph 3 of the indenture agreements,<sup>1</sup> and whether the meaning of the definition can be resolved at this stage of the litigation. See MAK Tech. Holdings Inc. v. Anyvision Interactive Techs. Ltd., 42 N.Y.3d 570, 2024 WL 3055302 (2024). As applicable, such briefing shall set forth each party’s proposed interpretation of the definition. Defendants shall file a brief by **February 5, 2025**, and Plaintiff may file its response by **February 12, 2025**, and Defendants may file a reply by **February 18, 2025**. The initial briefs shall not exceed 1,500 words in length and the reply brief shall not exceed 1,000 words.

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<sup>1</sup> “Base Rate” is defined to “equal the greater of the arithmetic mean of (i) the ‘prime rate’ for dollar denominated loans quoted by leading banks in the City of New York selected by the Calculation Agent and (ii) the Federal Funds Rate (as defined below) plus 0.50% per annum[.]” (Docket entry nos. 10-1, 10-2 at Sched. A, ¶ 3.)

SO ORDERED.

Dated: New York, New York  
January 29, 2025

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
Chief United States District Judge